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Hearing Date: July 28, 2021
Hearing Time: 10:00 a.m. (EST)

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and the Chapter 7 Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L.
Madoff Investment Securities LLC and Bernard L.
Madoff,

Plaintiff,

v.

THE WHITMAN PARTNERSHIP; JUDITH
WHITMAN REVOCABLE LIVING TRUST
U/A/D 8/5/86; JUDITH WHITMAN, in her
capacity as Grantor and Trustee for The Judith
Whitman Revocable Living Trust u/a/d 8/5/86, a
partner in the Whitman Partnership; BERNARD
WHITMAN REVOCABLE LIVING TRUST
U/A/D 8/5/86; and BERNARD WHITMAN, in his
capacity as Grantor and Trustee for the Bernard
Whitman Revocable Living Trust u/a/d 8/5/86, a

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-04610 (CGM)

partner in The Whitman Partnership,
Defendants.

NOTICE OF MOTION FOR SUMMARY JUDGMENT

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, the Statement of Material Facts in Support of Trustee’s Cross-Motion for Summary Judgment, the Declarations of Nicholas J. Cremona, Bruce G. Dubinsky, Lisa M. Collura, and Matthew B. Greenblatt in Support of Trustee’s Cross-Motion for Summary Judgment, with all exhibits annexed thereto, and upon all the prior pleadings and proceedings herein, Irving H. Picard, as trustee (the “Trustee”) for the liquidation of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa–III, and the substantively consolidated Chapter 7 estate of Bernard L. Madoff, by and through his counsel, moves this Court, before the Honorable Cecelia G. Morris, United States Bankruptcy Chief Judge for the Southern District of New York, at the United States Bankruptcy Court for the Southern District of New York, One Bowling Green, New York, NY 10004-1408, on **July 28, 2021 at 10:00 a.m.**, or as soon thereafter as counsel may be heard, for an order granting the Trustee’s motion for summary judgment (the “Motion”) on Count One of the Trustee’s Complaint pursuant to Rule 7056 of the Federal Rules of Bankruptcy Procedure and Rule 56 of the Federal Rules of Civil Procedure, together with such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE pursuant to the Court’s directive, all hearings will be conducted remotely pending further Order of the Court. All parties who wish to participate in the Hearing must refer to Judge Morris’ guidelines for remote appearances and are required to make arrangements to appear via ZoomGov. For further details on ZoomGov, please call the Courtroom Deputy at (845) 451–6367. Further instructions regarding remote appearances via ZoomGov can be found on the Court’s website at

<https://www.nysb.uscourts.gov/zoom-video-hearing-guide>. Pro se parties may participate telephonically in hearings free of charge.

PLEASE TAKE FURTHER NOTICE that defendants' cross-motion and opposition to Trustee's motion shall be served and filed on or before June 25, 2021, the Trustee's opposition to defendants' cross-motion and reply papers shall be served and filed on or before July 12, 2021, and defendants' reply shall be served and filed on or before July 21, 2021. Hearing on the parties' cross-motions shall take place **at 10:00 a.m. on July 28, 2021**.

Dated: June 11, 2021
New York, New York

/s/ Nicholas J. Cremona
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